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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,215	08/31/2000	Thomas E. Saulpaugh	5181-70400	4761

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Robert C Kowert  
Conley Rose & Tayon PC  
P O Box 398  
Austin, TX 78767-0398

EXAMINER

CHEN, SHIN HON

ART UNIT PAPER NUMBER

2131

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/653,215

Applicant(s)

SAULPAUGH ET AL.

Examiner

Shin-Hon Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☒ Claim(s) 8, 24, and 40 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/20/03, 1/3/05, 7/11/05</u>                                             | 6) <input type="checkbox"/> Other: _____                                    |

b

### **DETAILED ACTION**

1. Claims 1-47 have been examined.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-47 have been considered but are moot in view of the new ground(s) of rejection.

3. Applicant's arguments, see Appeal Brief, filed on 8/2/05, with respect to the rejection(s) of claim(s) 1-47 under 102(a) and 103(a) have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Adams.

#### ***Double Patenting***

4. Claims 1-6, 8-31, 33-47, and 49-72 of this application conflict with claims 1-47 of Application No. 09/653,215. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686

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F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-47 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-6, 8-31, 33-47, and 49-72 of U.S. Patent No. 09/653,227. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications are claiming method for accessing a service in a distributed computing environment in which a client request capability credentials to access portion of a service through advertisement.

#### ***Allowable Subject Matter***

7. Claims 8, 24, and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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9. Claims 1, 2, 5, 6, and 9-16 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Adams U.S. Pat. No. 6718470 (hereinafter Adams).

10. As per claim 1, Adams discloses a method for accessing a service in a distributed computing environment, comprising: a client locating a first service within the distributed computing environment (Adams: column 6 lines 31-67); the client requesting a capability credential to allow the client access to a portion of the first service's capabilities (Adams: column 6 lines 49-52), wherein said requesting a capability credential comprises the client indicating a set of desired capabilities (Adams: column 6 lines 49-57 and column 5 lines 9-17: access different service of a relying party); the client receiving said capability credential, wherein said capability credential indicates that the client has the right to use said portion of the first service's capabilities (Adams: column 6 line 65 – column 7 line 9); and the client using said capability credential to access one or more of said portion of the first service's capabilities (Adams: column 7 lines 3-9).

11. As per claim 2, Adams discloses the method of claim 1. Adams further discloses wherein said requesting a capability credential comprises the client sending a capability credential request message, wherein said capability credential request message comprises an identification of said first service and an indication of the set of desired capabilities (Adams: column 6 lines 49-61 and column 5 lines 14-18).

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12. As per claim 5, Adams discloses the method of claim 2. Adams further discloses the client receiving an advertisement for the first service, wherein said advertisement describes the portion of the first service's capabilities; and wherein said indication of the set of desired capabilities comprises an indication of said advertisement (Adams: column 6 lines 31-67: the subscriber wants to access the relying party's service, but has to request credential from the centralized privilege data selector by submitting the subscriber's identity and the relying party's identifier; Although there is no specific mention of the advertisement, advertisement serves as a way of letting the user be aware of the service available).

13. As per claim 6, Adams discloses the method of claim 5. Adams further discloses wherein said indication of said advertisement is said advertisement itself (Adams: column 5 lines 14-18).

14. As per claim 9, Adams discloses the method of claim 5. Adams further discloses wherein said advertisement is a protected advertisement that describes the first service's capabilities but does not provide an interface to the first service's capabilities (Adams: column 5 lines 14-18: the website describes the service, and the service can be provided upon authentication).

15. As per claim 10, Adams discloses the method of claim 1. Adams further discloses the client receiving a protected advertisement for the first service, wherein said protected advertisement indicates an address for sending said capability credential request message to (Adams: column 6 lines 31-49; column 5 lines 14-18); and wherein said requesting a capability

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credential comprises the client sending a capability credential request message to said address indicated in said protected advertisement (Adams: column 6 lines 49-58).

16. As per claim 11, Adams discloses the method of claim 10. Adams further discloses wherein said address indicated in said protected advertisement is for an authentication service, wherein said sending a capability credential request message comprises sending said capability credential request message to said authentication service, the method further comprising the authentication service sending a credential request response message to the client in response to said capability credential request message (Adams: column 6 lines 49-67).

17. As per claim 12, Adams discloses the method of claim 11. Adams further discloses wherein said credential request response message includes said capability credential, wherein said receiving said capability credential comprises receiving said capability credential from said authentication service in said credential request response message (Adams: column 6 lines 49-67).

18. As per claim 13, Adams discloses the method of claim 1. Adams further discloses the client receiving a protected advertisement for the first service, wherein said protected advertisement indicates an authentication service (Adams: column 5 lines 14-18: the website describes the service, and the service can be provided upon authentication); and wherein said requesting a capability credential comprises the client requesting a capability credential from said authentication service (Adams: column 6 lines 49-67).

19. As per claim 14, Adams discloses the method of claim 13. Adams further discloses said authentication service determining a level of the first service's capabilities that the client is authorized to use (Adams: column 6 lines 49-67); said authentication service generating said capability credential according to said level and said set of desired capabilities (Adams: column 6 lines 59-67); and said authentication service sending said capability credential to the client, wherein said portion of the first service's capabilities that said capability credential indicates that the client has a right to use is no more than said set of desired capabilities (Adams: column 6 lines 58-67).

20. As per claim 15, Adams discloses the method of claim 14. Adams further discloses wherein said portion of the first service's capabilities that said capability credential indicates that the client has a right to use is the lesser of said level of the first service's capabilities that the client is authorized to use and said set of desired capabilities (Adams: column 6 lines 49-67).

21. As per claim 16, Adams discloses the method of claim 1. Adams further discloses wherein said using said capability credential to access one or more of said portion of the service's capabilities comprises the client sending a message to the first service to access a first capability, wherein the message includes said capability credential (Adams: column 6 line 67 – column 7 line 9), the method further comprising the first service authenticating said capability credential received in the message to verify that the client has the right to use said first capability (Adams: column 7 lines 3-9).



***Claim Rejections - 35 USC § 103***

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams.

24. As per claim 3, Adams discloses the method of claim 2. Adams does not explicitly disclose wherein said identification of said first service comprises a Universal Unique Identifier. However, Universal Unique Identifier is well known in the art to identify object on the Internet. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to use UUID to identify the first service.

25. As per claim 7, Adams discloses the method of claim 5. Adams does not explicitly disclose said indication of advertisement is a uniform resource identifier to said advertisement. However, Adams discloses the subscriber communicate a request over a global network link to a Website of the relying party (Adams: column 5 lines 14-18). It would have been obvious to one having ordinary skill in the art to use URI to indicate the advertisement because URI is standard identifier for accessing a website or advertisement.

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26. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adams in view of Czerwinski et al. "An Architecture for a Secure Service Discovery Service" (hereinafter Czerwinski).

27. As per claim 4, Adams discloses the method of claim 2. Adams does not explicitly disclose the capability credential request is formatted in eXtensible Markup Language. However, Czerwinski discloses using XML to establish communication interface (Czerwinski: 2.3 XML Service Description). It would have been obvious to use XML message interface to allow communications between the relying parties and subscribers. Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to combine the teachings of Czerwinski within the system of Adams because XML is well known in the art to provide greater flexibility as communication interfaces.

28. Claims 17-23, 25-39, and 41-47 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Adams or under 35 U.S.C. 103(a) as being unpatentable over Adams or under 35 U.S.C. 103(a) as being unpatentable over Adams in view of Czerwinski.

29. As per claim 17-23, 25-39, and 41-47, claims 17-23, 25-39, and 41-47 encompass the same scope as claims 1-7 and 9-16. Therefore, claims 17-23, 25-39, and 41-47 are rejected based on the same reasons set forth in rejecting claims 1-7 and 9-16.

***Conclusion***

30. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Moses et al. U.S. Pat. No. 6108788 discloses certificate management system and method for a communication security system.

He et al. U.S. Pat. No. 6088451 discloses security system and method for network element access.

Bittinger et al. U.S. Pat. No. 6453362 discloses method for invoking server applications using tickets registered in client-side remote object registries.

Rosenberg et al. E.P 0892530 discloses method for wide area network service location.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin-Hon Chen whose telephone number is (571) 272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shin-Hon Chen  
Examiner  
Art Unit 2131

SC

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100